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DEPARTMENT OF EDUCATION

CFDA Number: 84.133A-01

Proposed priority--National Institute on Disability and Rehabilitation Research--Disability and Rehabilitation Research Projects and Centers Program--Disability and Rehabilitation Research Project (DRRP)--Employment of Individuals with Disabilities

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority under the Disability and Rehabilitation Research Projects and Centers Program administered by the National Institute on Disability and Rehabilitation Research (NIDRR).

Specifically, this notice proposes a priority for a Disability and Rehabilitation Research Project (DRRP) on Employment of Individuals with Disabilities. The Assistant Secretary may use this priority for competitions in fiscal year (FY) 2012 and later years. We take this action to focus research attention on areas of national need. We intend this priority to contribute to improved employment outcomes for individuals with disability.

DATES: We must receive your comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: Address all comments about this notice to Marlene Spencer, U.S. Department of Education, 400 Maryland Avenue, SW., room 5133, Potomac Center Plaza (PCP), Washington, DC 20202-2700.

If you prefer to send your comments by e-mail, use the following address: Marlene.Spencer@ed.gov. You must include the phrase "Proposed Priority for Employment of Individuals with Disabilities" in the subject line of your electronic message.

FOR FURTHER INFORMATION CONTACT: Marlene Spencer.

Telephone: (202) 245-7532 or by e-mail:

Marlene.Spencer@ed.gov.

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

This notice of proposed priority is in concert with NIDRR's currently approved Long-Range Plan (Plan). The currently approved Plan, which was published in the Federal Register on February 15, 2006 (71 FR 8165), can be accessed on the Internet at the following site:

<http://www2.ed.gov/legislation/FedRegister/other/2006-1/021506d.pdf>.

Through the implementation of the currently approved Plan, NIDRR seeks to: (1) improve the quality and utility of disability and rehabilitation research; (2) foster an exchange of expertise, information, and training to facilitate the advancement of knowledge and understanding of the unique needs of traditionally underserved populations; (3) determine best strategies and programs to improve rehabilitation outcomes for underserved populations; (4) identify research gaps; (5) identify mechanisms of integrating research and practice; and (6) disseminate findings.

This notice proposes a priority that NIDRR intends to use for a DRRP competition in FY 2012 and possibly later years. However, nothing precludes NIDRR from publishing additional priorities, if needed. Furthermore, NIDRR is under no obligation to make an award using this priority. The decision to make an award will be based on the quality of applications received and available funding.

Invitation to Comment: We invite you to submit comments regarding this notice. To ensure that your comments have maximum effect in developing the notice of final priority,

we urge you to identify clearly the specific topic that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from this proposed priority. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the program.

During and after the comment period, you may inspect all public comments about this notice in room 5133, 550 12th Street, SW., PCP, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Washington, DC time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for this notice. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under FOR FURTHER INFORMATION CONTACT.

Purpose of Program: The purpose of the Disability and Rehabilitation Research Projects and Centers Program is to plan and conduct research, demonstration projects, training, and related activities, including international activities, to develop methods, procedures, and rehabilitation technology, that maximize the full inclusion and integration into society, employment, independent living, family support, and economic and social self-sufficiency of individuals with disabilities, especially individuals with the most severe disabilities, and to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended (Rehabilitation Act).

Disability and Rehabilitation Research Projects

The purpose of NIDRR's DRRPs, which are funded through the Disability and Rehabilitation Research Projects and Centers Program, are to improve the effectiveness of services authorized under the Rehabilitation Act of 1973, as amended, by developing methods, procedures, and rehabilitation technologies that advance a wide range of independent living and employment outcomes for individuals with disabilities, especially individuals with the most severe disabilities. DRRPs carry out one or more of the following types of activities, as specified and defined in

34 CFR 350.13 through 350.19: research, training, demonstration, development, dissemination, utilization, and technical assistance.

An applicant for assistance under this program must demonstrate in its application how it will address, in whole or in part, the needs of individuals with disabilities from minority backgrounds (34 CFR 350.40(a)). The approaches an applicant may take to meet this requirement are found in 34 CFR 350.40(b). Additional information on the DRRP program can be found at: <http://www.ed.gov/rschstat/research/pubs/res-program.html#DRRP>

Program Authority: 29 U.S.C. 762(g) and 764(a).

Applicable Program Regulations: 34 CFR part 350.

PROPOSED PRIORITY:

This notice contains one proposed priority.

DRRP on Employment of Individuals with Disabilities.

Background:

Despite the enactment of legislation and the implementation of a variety of policy and program efforts at the Federal and State levels to improve employment outcomes for individuals with disabilities, the employment rate for individuals with disabilities remains substantially lower than the rate for those without

disabilities. The economic downturn in recent years has resulted in still greater workforce disparities. In December 2011, 17.9 percent of persons with a disability age 16 years and older were employed, compared to 63.7 percent of persons without a disability (U.S. Department of Labor, 2012). Among persons 25 to 54 years of age during the recent recession, the unemployment rate of persons with a disability ranged from 2.0 to 2.3 times that of persons without a disability (Fogg, Harrington, McMahon, 2010). These differences in employment and unemployment rates exist across all socio-demographic groups. Additionally, the median earnings for persons with a disability who are employed are \$19,500 per year as compared to \$29,997 per year earned by persons without a disability (U.S. Census Bureau, 2011).

NIDRR has funded a wide range of disability research and development projects on employment topics, including on the impact of government policies and programs on employment outcomes for individuals with disabilities; employer practices and workplace environments; individual characteristics that affect employment outcomes of individuals with disabilities; technology to support employment outcomes of individuals with disabilities; and vocational rehabilitation (VR) practice. NIDRR seeks to

build on this research by supporting innovative and well-designed research and development projects that fall under one or more general employment topic areas and that focus on a specific stage of research (i.e., exploration, intervention development, intervention efficacy, and scale-up evaluation). This priority would require a project to focus its research or development activities on a general employment area or areas and, to the extent an applicant proposes to conduct research activities under the priority, require that the applicant identify the stage of the proposed research in its application. NIDRR hopes to increase competition and innovation by allowing applicants to specify the research topics under the broader areas of research. NIDRR also hopes to improve the rigor of the research it funds by asking applicants to identify and justify the stage of research being proposed and the methods appropriate to that stage. Through this priority, we would fund projects that are designed to identify, develop, test, and evaluate interventions, programs, technologies, and products that increase employment rates, hours of paid work, earnings and other compensation of individuals with disabilities; and improve job and career satisfaction, or other job-related outcomes of individuals with disabilities.

References:

Fogg, N. P., Harrington, P. E., & McMahon, B. T. (2011). The underemployment of persons with disabilities during the Great Recession. The Rehabilitation Professional, 19(1), 3-10.

U.S. Census Bureau (2010) American Community Survey: Table B18140. Available from: <http://factfinder.census.gov>

U.S. Department of Labor (2012a). Economic News Release: Table A-6. Employment status of the civilian population by sex, age, and disability status, not seasonally adjusted. Retrieved from: <http://www.bls.gov/news.release/empstat.t06.htm>

U.S. Department of Labor (2012b). Economic News Release: Table 1. Employment status of the civilian noninstitutionalized population by disability and selected characteristics. Retrieved from: <http://www.bls.gov/news.release/disabl.t01.htm>

Proposed Priority:

The Assistant Secretary for Special Education and Rehabilitative Services proposes a priority for a Disability and Rehabilitation Research Project (DRRP) on Employment of Individuals with Disabilities. The DRRP must contribute to the outcomes of increased employment rates, hours of paid work, earnings and other compensation for

individuals with disabilities as well as improved job and career satisfaction and other work-related outcomes for individuals with disabilities.

(a) To contribute to these outcomes, the DRRP must--

(1) Conduct research activities, development activities, or both, in one or more of the following priority areas:

(i) The impact of government policies and programs on employment outcomes for individuals with disabilities.

(ii) Employer practices and workplace environments that contribute to improved employment outcomes for individuals with disabilities.

(iii) Preparedness of individuals with disabilities to participate in the current and future workforce.

(iv) Technology (including the systems that develop, evaluate, and deliver the technology) that support improved employment outcomes of individuals with disabilities.

(v) Practices and policies that contribute to improved employment outcomes for transition-aged youth.

(vi) Vocational rehabilitation (VR) practices that result in improved employment outcomes for individuals with disabilities.

(2) If conducting research under paragraph (a)(1) of this priority, focus its research on a specific stage of

research. For purposes of this priority, the stages of research are as follows:

(i) Exploration. Exploration means the stage of research that generates hypotheses or theories by conducting new and refined analyses of data, producing observational findings, and creating other sources of research-based information. This research stage may include identifying or describing the barriers to and facilitators of improved outcomes of individuals with disabilities, as well as identifying or describing existing practices, programs, or policies that are associated with important aspects of the lives of individuals with disabilities. Results achieved under this stage of research may inform the development of interventions or lead to evaluations of interventions or policies. The results of the exploration stage of research may also be used to inform decisions or priorities.

(ii) Intervention Development. Intervention Development means the stage of research that focuses on generating and testing interventions that have the potential to improve employment outcomes for individuals with disabilities. Intervention development involves determining the active components of possible interventions, developing measures that would be required

to illustrate outcomes, specifying target populations, conducting field tests, and assessing the feasibility of conducting a well-designed interventions study. Results from this stage of research may be used to inform the design of a study to test the efficacy of an intervention.

(iii) Intervention Efficacy. Intervention efficacy means the stage of research during which a project evaluates and tests whether an intervention is feasible, practical, and has the potential to yield positive outcomes for individuals with disabilities. Efficacy research may assess the strength of the relationships between an intervention and outcomes, and may identify factors or individual characteristics that affect the relationship between the intervention and outcomes. Efficacy research can inform decisions about whether there is sufficient evidence to support "scaling-up" an intervention to other sites and contexts. This stage of research can include assessing the training needed for wide-scale implementation of the intervention, and approaches to evaluation of the intervention in real world applications.

(iv) Scale-up Evaluation. Scale-up evaluation means the stage of research during which a project analyzes whether an intervention is effective in producing improved outcomes for individuals with disabilities when implemented

in a real-world setting. During this stage of research, a project tests the outcomes of an evidence-based intervention in different settings. It examines the challenges to successful replication of the intervention, and the circumstances and activities that contribute to successful adoption of the intervention in real-world settings. This stage of research may also include well-designed studies of an intervention that has been widely adopted in practice, but that lacks a sufficient evidence-base to demonstrate its effectiveness.

(3) Conduct knowledge translation activities (i.e., training, technical assistance, utilization, dissemination) in order to facilitate stakeholder (e.g., individuals with disabilities, employers, policymakers, practitioners) use of the interventions, programs, technologies, or products that resulted from the research activities, development activities, or both, conducted under paragraph (a)(1) of this priority;

(4) Involve key stakeholder groups in the activities conducted under paragraphs (a)(1) and (a)(2) of this priority in order to maximize the relevance and usability of the interventions, programs, technologies, or products to be developed or studied under this priority.

(b) In its application, an applicant must describe how its proposed project will meet this priority. In particular, the applicant must--

(1) Identify, in its application, the priority area or areas on which its proposed research or development activities will focus; and

(2) If conducting research under paragraph (a)(1) of this priority, identify and provide a rationale for the stage of research being proposed and the research methods associated with the stage.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the Federal Register. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application

that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

Invitational priority: Under an invitational priority, we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105(c)(1)).

Final Priority:

We will announce the final priority in a notice in the Federal Register. We will determine the final priority after considering responses to this notice and other information available to the Department. This notice does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note: This notice does not solicit applications. In any year in which we choose to use this priority, we invite applications through a notice in the Federal Register.

Executive Orders 12866 and 13563:

Regulatory Impact Analysis

Under Executive Order 12866, the Secretary must determine whether this regulatory action is "significant" and, therefore, subject to the requirements of the

Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a "significant regulatory action" as an action likely to result in a rule that may--

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or Tribal governments or communities in a material way (also referred to as an "economically significant" rule);

(2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this regulatory action under Executive Order 13563, which supplements and explicitly

reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 requires that an agency--

(1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account--among other things and to the extent practicable--the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives--such as user fees or marketable permits--to encourage the desired

behavior, or provide information that enables the public to make choices.

Executive Order 13563 also requires an agency "to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible." The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include "identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes."

We are taking this regulatory action only on a reasoned determination that its benefits justify its costs. In choosing among alternative regulatory approaches, we selected those approaches that maximize net benefits. Based on the analysis that follows, the Department believes that this proposed priority is consistent with the principles in Executive Order 13563.

We also have determined that this regulatory action would not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with both Executive orders, the Department has assessed the potential costs and benefits of this regulatory action. The potential costs associated

with this regulatory action are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

The benefits of the Disability and Rehabilitation Research Projects and Centers Programs have been well established over the years in that similar projects have been completed successfully. This proposed priority would generate new knowledge through research and development. Another benefit of this proposed priority is that the establishment of new DRRPs would improve the lives of individuals with disabilities. The new DRRP would generate, disseminate, and promote the use of new information that would improve employment opportunities for individuals with disabilities.

Intergovernmental Review: This program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202-2550. Telephone: (202)

245-7363. If you use a TDD or a TTY, call the FRS, toll free, at 1-800-877-8339.

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Dated: April 20, 2012

Sue Swenson,
Deputy Assistant Secretary
for Special Education and
Rehabilitative Services.
Delegated the Authority to
Perform the Functions and
Duties of Assistant
Secretary for Special
Education and
Rehabilitative Services.

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